

Docket 60410
Serial No. 10/700,762

PATENT APPLICATION

REMARKS

This is in full and timely response to the initial Office Action on the merits dated November 14, 2005. Reconsideration and reexamination are respectfully requested in view
5 of the foregoing amendments and the following remarks.

By the foregoing amendment, claims 1-17, 19, and 20 stand canceled, claim 18 has been amended, and claims 21 and 22 have been newly added. Therefore, claims 18, 21, and 22 remain in this application with claim 18 being independent.

10 IN THE CLAIMS:

35 U.S.C. § 103 Rejections:

Claims 1, 3, 6, and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mosier, U.S. Pat. No. 4,244,576 in view of Arkin, U.S. Pat. No. 3,829,092.
15 Further, claims 10-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mosier, U.S. Pat. No. 4,244,576 in view of Arkin, U.S. Pat. No. 3,829,092 and further in view of Urquhart, U.S. Pat. No. 569,438. Without admitting the propriety of these rejections, claims 1-17 have been canceled, claim 18 has been amended, and claims 21 and 22 have been newly added.

20 The examiner contends that there is no patentable distinction between that target ball of the present invention and the flat mat golf target disclosed in Mosier. Further, the examiner has indicated that the apparatus claim (claim 1) is relying on particular steps of

4 Copy of Previously Submitted Amendment

Docket 60410
Serial No. 10/700,762

PATENT APPLICATION

using the apparatus for potentially novel steps of use but that the actual apparatus does not distinguish over the prior art. Without admitting the propriety of that position and rejection, the applicant has canceled the apparatus claims previously presented in claims 1 to 17 and now focuses on the method of use previously presented in claim 18. More particularly, claim
5 18 is directed to a method for using a kit for playing a novel golf and soccer-like game.

A method of playing a golf and soccer-like game in which a target ball having a generally spherical configuration for being kicked in a soccer-like manner to initiate game play is neither taught nor suggested in any of the references whether considered singly or in combination. In particular, Mosier teaches only a golf-like game in which a play ball may be
10 struck repeatedly until it impacts a target. However, Mosier does not teach or suggest providing a kit having a generally spherical target ball, i.e. a traditional ball construction, for being kicked in a manner indicative of a soccer-like game. Further, Mosier does not teach or suggest kicking the target ball a distance from the play ball and club to initiate game play. Though not specifically claimed, it should be appreciated from the entirety of the
15 specification, figures, and the positive recitation of "in a manner indicative of a soccer-like game" that the target ball is presumably to be kicked more than a trivial distance. In other words, while the applicant recognizes that the flat mat target of Mosier "technically" could be kicked a distance from the Mosier play ball, the applicant strongly urges that the present recitation of the present method steps of a soccer-like game action is not at all fairly
20 suggested by the strictly golf-like game of Mosier.

5 Copy of Previously Submitted Amendment


Docket 60410
Serial No. 10/700,762

PATENT APPLICATION

This application should now be in condition for allowance and such is respectfully requested. If the examiner has any suggestions that would place this application in even better condition for allowance, the examiner is invited to contact the applicant's representative at the telephone number listed below.

Respectfully Submitted,

Date: January 13, 2006


Dale J. Ream
Patent Reg. No. 45,798

HARSHAW RESEARCH, INC.
Lawyer's Building
2nd & Main
P.O. Box 418
Telephone (785) 242-9500
Facsimile (785) 242-3308